

1905-013 Chancery Causes, Exr. of Jacob B. Olinger vs. James Phillips
Lee Co.

CA-Debt
T-Property

To the Hon. H. A. W. Skee~~le~~ Judge of the Circuit Court for Lee County,
Virginia:

Humbly compalining your orator, M. V. Olinger, Executor
of the last will and ~~testament~~ of Jacob B. Olinger deceased, would
respectfully represent and show unto your honor, that on the _____
day of _____, 18____, your orator's decedent, Jacob B. Olinger
deceased, in his life time, sold unto one James Philipps two lots
or parcels of land situated and being in the town of Olinger, Virginia,
and known and described on the plat of said town as lots Nos. 1 & 2,
in block No. 5, for the sum of \$91.67, for which the said James
Philipps executed unto the said Jacob B. Olinger, his two several
notes for \$45.83 1/2 each, due on the 1st day of July, 1895,
and on the 1st day of July, 1896, respectively: and
the said Jacob B. Olinger executed unto the said James Philipps
his title bond for a deed to said two lots. The said James Philipps
took possession of said lots, but shortly after the said notes were
executed, and said title bond made and delivered, said James Philipps
removed from the State of Virginia without having paid any of the
purchase money on said lots. The two said notes passed into the
hands of your orator as a part of the estate of the said Jacob B.
Olinger, deceased, and up to the present time no part of either of
said notes have ever been paid. And the whereabouts of the said
James Philipps is entirely unknown unto your orator. Your orator is
informed and believes that the said two notes constitute a first lien
upon the two said lots, and that he has the right to come into a
court of Equity to have said lien enforced. These two said notes were
placed into the hands of J. C. Noel for collection, but before suit
was instituted upon the same said Noel by some means as ~~has~~ lost or
^{said notes} misplaced, and said notes so far can not now be found.

The prayer therefore, of your orator is that the said James
Philipps be made a party defendant to this bill, and that he be

required to answer the same, but not upon oath that being waived.
And that upon a hearing judgment be ordered decreed and entered in
favor of your orator against the said James Philipps for the amount
of the said two notes with interest thereon, and the same be decreed
a first lien upon the said two lots, and that the same be sold for
the payment of said purchase money. And that all such other and
further relief be granted your orator as ⁱⁿ the premises may be just
and right, and he will ever pray &c.

Orator *Wm. V. Nail* / *per*

M. V. Thayer Ex. re.

vs. Bill in Chy.

James Phillips.

1905 1st May Rules

Bill filed & con-
tinued for O.P.

" 2nd May Rules

O.P. completed &
cause set for hear-
ing.

Costs:

Clerk

\$7.98

Shff.

.50

Atty

15.00

Day

1.50 Pd.

Printer

6.20

\$31.18

M. V. Olinger, Executor of Jacob B. Olinger, Deed.

Plaintiff.

vs.

In Chancery.

James Phillipps,

Defendant.

This cause came on again to be heard upon the papers formerly read in the cause, and the report of J. C. Noel, Commissioner, this day filed in the cause, and the deed therewith to M. H. Reasor for the two lots sold him by said commissioner, and was argued by counsel.

On consideration thereof and the said report being unexcepted to, it is adjudged ordered and decreed that the said report and the deed therewith be and the same are hereby confirmed. And that said Reasor have permission to withdraw said deed from the papers of this cause for recordation, and that he pay to the said Noel, Commissioner, \$5.00 for the making of said deed, for which execution may issue, and the cause is continued.

M. V. Oliver Exr.
of Decree.
James Phillips

Entered in C.D.B.
No. 8 page 10.5 v.c.

Enter this decree

J. A. W. S. L.

Decr 14th 1905

M. V. Olinger, Executor of Jacob B. Olinger, Dec'd.

Plff.

vs.

In Chancery

James Phillipps,

Deft.

This cause came on again to be heard upon the papers formerly read in the cause, the report of J. C. Noel, Commissioner, filed in the cause December 1st, 1905, and was argued by counsel.

On consideration thereof, and the said report being unexcepted to, it is adjudged, ordered and decreed that said report and the sale therein reported be and the same are hereby confirmed. And that said Noel, commissioner as aforesaid, pay the cost of this suit out of the funds in his hands of said sale, after retaining his commission on sale, and the residue of said funds, if any, he will pay to the plaintiff; and that said Noel who is appointed a commissioner for the purpose do convey, with covenants of special warranty only, unto the said M. H. Reasor, purchaser of the said two lots, ^{Sold} by said commissioner, and report his action hereunder to some future day of the present term, until which time the cause is continued.

M. V. Clinger Ex &c
vs { Deere 102.
James Phillips

Entered in C.C.B.
No. 8 page 93-

Enter this Deere
H. A. W. S. L. C. W.
Deer 12-1905.

VIRGINIA,

At a Circuit Court continued and held for Lee County at the Court house thereof, on Monday the 22nd day of May, 1905.

M. V. Olinger, Executor of Jacob B. Olinger, Deceased, Plff.

vs. In Chancery

James Phillips,

Deft.

This cause came on to be heard upon the bill of the plaintiff and the order of publication duly made posted and published against the defendants, who, it appears is a non-resident, and the cause regularly matured at rules, and was argued by counsel.

On consideration thereof, and it appearing to the court that the defendant was indebted to the plaintiff's testator in the sum of \$91.67 for lots Nos. 1 and 2 in block No. 5, in the town of Olinger, Virginia, with interest on \$45.83 $1/2$ part thereof, from the 1st day of January, 1895, until paid, and on \$45.83 $1/2$ the residue thereof from the 1st day of January, 1896, until paid, and for which lots no conveyance has been made to the said defendant, it is adjudged, ordered and decreed, that the plaintiff recover against the defendant the said sums, and the cost of this suit, and unless paid within thirty days from the adjournment of this Court, then J. C. Noel, who is appointed a Commissioner for that purpose will proceed to sell at the town of Olinger Va., the said two lots, or a sufficiency thereof to pay to the said plaintiff the amount of said purchase money, and the cost of this suit, which is adjudged to be a first lien on said lots, on a credit of six and twelve months time, except as much as may be necessary to pay the cost of this suit, and expense of sale, which will be required to be paid in hand, and for the deferred payments, the Commissioner will take bonds with good security to himself as Commissioner, bearing interest from date. Said Commissioner, before selling will advertise the time terms and place of sale for at least thirty days by written advertisements, posted at the front door of the Court-house of this County, and in the vicinity of said property, and will execute bond before the Clerk of this Court in the penalty of \$150.00, conditioned

according to law. He will report his action hereunder to the next term of the Court, and the cause is continued.

A Copy-Teste: W. J. Ewing Clerk.

M. V. Clinger Exer
vs. Decree
James Phillips.

J. C. Noel

Copy
Entered by Delia
to within Decree
to J. C. Noel.
M. H. Remy
A. S. for P. M. Ball
S. L. G.
Clerk 45¢

M. V. Olinger, executor of Jacob B. Olinger, deceased, Plaintiff,

vs.

In Chancery

James Philipps/

Defendants.

This cause came on to be heard upon the bill of the plaintiff, and order of publication duly made posted and published against the defendant, who, it appears is a non-resident, and the cause regularly matured at rules, and was argued by counsel.

On consideration thereof, and it appearing to the court that the defendant was indebted to the plaintiff's testator in the sum of \$91.67 for lots nos. 1 and 2 in block no. 5 in the town of Olinger, Virginia, with interest on \$45.83 1/2 part thereof, from the 1st day of January, 1895 until paid, and on \$45.83 1/2 the residue thereof from the 1st day of January, 1896, until paid, and for which lots no conveyance has been made to the said defendant, it is adjudged, ordered and decreed that the plaintiff recover against the defendant the said sums, and the cost of this suit, and unless paid within thirty days from the adjournment of this court, then J. C. Noel, who is appointed a commissioner for that purpose will proceed to sell at the town of Olinger, Va. the said two lots, or a sufficiency thereof to pay to the said plaintiff the amount of said purchase money, and the cost of this suit, which is adjudged to be a first lien on said lots, on a credit of six and twelve months time, except as much as may be necessary to pay the cost of this suit and expense of sale, which will be required to be paid in hand, and for the deferred payments, the commissioner will take bonds with good security, to himself as commissioner, bearing interest from date. Said commissioner before selling will advertise the time, terms and place of sale for at least thirty days by written advertisements posted at the front door of the court house of this County and in the vicinity of said property, and will execute bond before the clerk of this court in the penalty of \$150.00 conditioned according to law. He will report his action hereunder to the next term of the court, and the cause is continued.

M. T. Oliger Ex re.

Decree to 1.

James Phillips

Entered in C. A. B.

8- p. 43. etc.

Enter this decree.

H. A. W. Stone

May 22 1905.

VIRGINIA,

At a Circuit Court continued and held for Lee County at the Court house thereof, on Monday the 22nd day of May, 1905.

M. V. Olinger, Executor of Jacob B. Olinger, Deceased, Plff.

vs. In Chancery

James Phillips,

Deft.

This cause came on to be heard upon the bill of the plaintiff and the order of publication duly made posted and published against the defendants, who, it appears is a non-resident, and the cause regularly matured at rules, and was argued by counsel.

On consideration thereof, and it appearing to the court that the defendant was indebted to the plaintiff's testator in the sum of \$91.67 for lots Nos. 1 and 2 in block No. 5, in the town of Olinger, Virginia, with interest on \$45.83 $1/2$ part thereof, from the 1st day of January, 1895, until paid, and on \$45.83 $1/2$ the residue thereof from the 1st day of January, 1896, until paid, and for which lots no conveyance has been made to the said defendant, it is adjudged, ordered and decreed, that the plaintiff recover against the defendant the said sums, and the cost of this suit, and unless paid within thirty days from the adjournment of this Court, then J. C. Noel, who is appointed a Commissioner for that purpose will proceed to sell at the town of Olinger Va., the said two lots, or a sufficiency thereof to pay to the said plaintiff the amount of said purchase money, and the cost of this suit, which is adjudged to be a first lien on said lots, on a credit of six and twelve months time, except as much as may be necessary to pay the cost of this suit, and expense of sale, which will be required to be paid in hand, and for the deferred payments, the Commissioner will take bonds with good security to himself as Commissioner, bearing interest from date. Said Commissioner, before selling will advertise the time terms and place of sale for at least thirty days by written advertisements, posted at the front door of the Court-house of this County, and in the vicinity of said property, and will execute bond before the Clerk of this Court in the penalty of \$150.00, conditioned

according to law. He will report his action hereunder to the next term of the Court, and the cause is continued.

A Copy-Teste: W. H. T. Essing Clerk.

M. V. Alinger Exer
vs. Decree
James Phillips

copy

Clerk 454

M. V. Olinger, Executor of Jacob B. Olinger, decd.

Plaintiff.

vs.

In Chancery.

James Phillipps, e

Defendant.

To the Hon. H. A. W. Skeen, Judge of the Circuit Court for
Lee County, Virginia.

The undersigned commissioner in this cause respectfully reports
that pursuant to the decree entered therein December 12th, 1905, he
executed to M. H. Reason, the purchaser of the two lots sold him in this
cause, a deed with covenants of special warranty for the said two lots,
which deed is herewith filed, marked "Deed".

J. C. Nail, Commr.

M. T. O'Leary Ex^{re}
vs } Report of Dec:
3 }
James Phillips.
Filed Dec 14th 1905.
H. L. Ewing,
Clerk.

M. V. Olinger executor of Jacob B. Olinger, deceased,

Plaintiff.

vs.

In Chancery.

James Phillipps,

Defendant.

To the Hon. H. A. W. Skeen, Judge of the Circuit Court for
Lee County, Virginia.

The undersigned commissioner appointed in this cause at the May term, 1905, to sell two certain lots, they being lots Nos. 1 & 2 in Block No. 5 in the town of Olinger, Virginia, to pay the sum recovered against the defendant in this cause, proceeded on the 29th day of October, 1905, at the town of Olinger, Virginia, to sell in the manner directed in said decree, the said two lots, having advertized said sale as in said decree directed, at which sale M. H. Reasor being the highest and best bidder became the purchaser of said two lots at the price of \$50.00, which purchase money said Reasor paid down to your commissioner and he has the same subject to your honor's order. Your commissioner supposes that this is a fair price for said two lots, and the sale should be confirmed.

J. E. Noel
COMMISSIONER

W. V. Olinger Ex &c.
vs } Report of Sale.
James Phillips

Filed Dec 1st 1905.

L. H. Ewing,
Clerk.

IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE COUNTY OF LEE ON
THE 11TH DAY OF APRIL, 1905.

M. V. Olinger, Executor of Jacob B. Olinger, deceased, Plff.)	
)	In CHY.
Against)	
)	Deft.
James Phillips)	

The object of this suit is to subject the two lots in the town of Olinger, Va., sold by Jacob B. Olinger, dec'd to the defendant to be sold to pay the purchase money due thereon amounting to \$91.67, and interest thereon, until paid.

And an Affidavit having been made and filed that the defendant James Phillips is not a resident of the State of Virginia, it is ordered that he do appear here within fifteen days after due publication hereof, and do what may be necessary to protect his interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in the Jonesville Star, and that a copy hereof be posted at the front door of the Court-house of this County as prescribed by law.

A copy -- Teste:

Orr & Noel p.q.

H. C. Ewing Clerk.

M. V. Dinger Ferris

vs.) ORDER OF PUBLICATION.

James Phillips

Virginia, Lee County, to-wit:

I, H. C. T. Ewing, Clerk of the
the Circuit Court for the County
aforesaid in the State of Virginia
do certify that I posted a true
copy of the within order of pub-
cation at the front door of the
Court-house on this the 11th day
of April, 1905.

Given under my hand this the
11th day of April, 1905.

H. C. T. Ewing Clerk.

In the Clerk's Office of the Circuit Court of the County of
Lee

M. V. Olinger, Exr. &c.

Plaintiff

against

James Phillips

Defendant

This day J. C. Noel personally appeared
before me, H. L. Ewing Clerk of the said Court,
and being duly sworn, made oath that James Phillips ~~is~~

defendant in the said suit is ^a not resident of the State of Virginia,

Given under my hand as Clerk of the said Court, this

10th day of April 1905

H. L. Ewing, Clerk.

M. V. Oliger, Exr. & Co.

vs.

{

AFFIDAVIT FOR ORDER

OF

PUBLICATION.

James Phillips

Orr & Noel p. q.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

J. M. Ball, Administrator of
George Phillips, deceased Sarah J. Phillips,
Thomas Phillips, Estel Phillips, William
Phillips and Lura Phillips.

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on
the *1st* Monday in *May*, 190*5*, to answer a bill in chancery exhibited against *them*

in our said Court by M. V. Clinger, Executor
of Jacob B. Clinger, deceased.

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the *20th*
day of *April*, 190*5*, and 1*29th* year of the Commonwealth.

A Copy, Teste:

H. C. T. Ewing, Clerk.

_____, Clerk.

M. V. Dinger Ex. v. c.

VS { SUBPOENA
IN
CHANCERY.

P. M. Ball, Adm. et al

Or. & No. 6 p. q

To 1st May Rules.
Lee Circuit Court.
1905.

Executed by delivering
an attested office copy of
the within to P. M. Ball
This Apr. 28th 1905
M. D. Hume D.S. for
P. M. Ball S. L. C.

Executed by
delivering a
true copy of
the within to
Sarah J. Phillips
This Apr. 28. 1905
J. V. Hughes
D. S.
for
P. M. Ball
S. L. C.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

James Phillips

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on the *1st* Monday in *May*, 190*5*, to answer a bill in chancery exhibited against *him*

in our said Court by M. V. Olinger, Executor of Jacob B. Olinger, deceased.

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the *11th*

day of *April*, 190*5*, and 1 *29th* year of the Commonwealth.

A Copy, Teste:

H. C. T. Ewing, Clerk.

_____, Clerk.

M. V. Dinger, Exr. &c.

VS

}

SUBPENA
IN
CHANCERY.

James Phillips.

On & For p. q

To *1st May* Rules.
2d Circuit Court.
1905

ORDER OF PUBLICATION

In the Clerk's office of the Circuit Court
of the County of Lee on the 11th day of
April, 1905.

M. V. OLINGER, Executor of Jacob B.
Olinger, deceased, plaintiff,

vs

JAMES PHILLIPS, defendant,
In Chancery

The object of this suit is to subject the
two lots in the town of Olinger, Va., sold
by Jacob B. Olinger, deceased, to the de-
fendant to be sold to pay the purchase
money due thereon amounting to \$91.67
and interest thereon until paid.

And an affidavit having been made and
filed that the defendant, James Phillips,
is not a resident of the state of Virginia,
it is ordered that he do appear here with-
in fifteen days after due publication here-
of and do what may be necessary to pro-
tect his interest in this suit. And it is
further ordered that a copy hereof
be published once a week for four weeks
in the Jonesville Star and that a copy
hereof be posted at the front door of the
court-house of this county as prescribed by
law.

A copy-Teste:

H. C. T. EWING, Clerk.

ORR & NOEL, p. q.

M. V. O'Leary

vs { J. C. Cheney

J. P. Hill



I, J. C. Boutwell, editor
of The Jonesville Star, a weekly newspaper
published in the county of Lee, state of Virginia,
do hereby certify that the enclosed notice was
published in said paper once a week for four
successive weeks, commencing on the 13
day of April 1905

J. C. Boutwell, Editor.

FEE \$

1.20

through J. W. Orr for R. H. H.